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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JOHN BONILLA as CHAIRMAN and GIL
 CROSTHWAITE as CO-CHAIRMAN of the
 BOARDS OF TRUSTEES FOR THE
 OPERATING ENGINEERS HEALTH AND
 WELFARE TRUST FUND, PENSION FUND
 FOR OPERATING ENGINEERS,
 PENSIONED OPERATING ENGINEERS
 HEALTH AND WELFARE FUND,
 OPERATING ENGINEERS VACATION
 AND HOLIDAY TRUST FUND,
 NORTHERN CALIFORNIA
 PREAPPRENTICE, APPRENTICE AND
 JOURNEYMAN AFFIRMATIVE ACTION
 TRAINING FUND, OPERATING
 ENGINEERS CONTRACT
 ADMINISTRATION FUND FOR
 NORTHERN CALIFORNIA, OPERATING
 ENGINEERS INDUSTRY STABILIZATION
 TRUST FUND AND OPERATING
 ENGINEERS MARKET PRESERVATION
 TRUST FUND,

Plaintiffs,

v.

Y'S EQUIPMENT RENTAL, INC., a
 California corporation; and GRANT
 FUJIMOTO, an Individual,

Defendants.

Case No.: C-06-0802 CRB

**PLAINTIFFS' STATEMENT IN LIEU
 OF CASE MANAGEMENT
 CONFERENCE STATEMENT;
~~[PROPOSED]~~ CASE MANAGEMENT
 ORDER**

**DATE: September 22, 2006
 TIME: 8:30 a.m.
 COURTROOM: 8, 19th Floor
 JUDGE: Hon. Charles R. Breyer**

Plaintiffs submit this statement in lieu of the Case Management Conference Statement and,
 because of the status of the case as set forth below, request that the Case Management Conference

1 either be vacated or be continued for a period of 90 days.

2 The Complaint was filed against defendants Y'S Equipment Rental, Inc. and Grant
3 Fujimoto. Both defendants were served on March 14, 2006. Plaintiffs are the Trustees of the
4 Operating Engineers Trust Funds, who seek injunctive relief compelling an audit of the books and
5 records of Y'S Equipment Rental, Inc., and a judgment for such amounts that are determined to be
6 due pursuant to a collective bargaining agreement.

7 Defendants Y'S Equipment Rental, Inc. and Grant Fujimoto did not file a responsive
8 pleading, and default was entered against them on April 24, 2006. Thereafter, defendants agreed to
9 submit to an audit, which has been completed. Plaintiffs request that the Case Management
10 Conference either be vacated or be continued for a period of 90 days to permit defendants time to
11 pay the audit liability.

12 DATED: September 15, 2006

STANTON, KAY & WATSON, LLP

14 By /s/ Anne Bevington
Anne Bevington

16 Attorneys for Plaintiffs

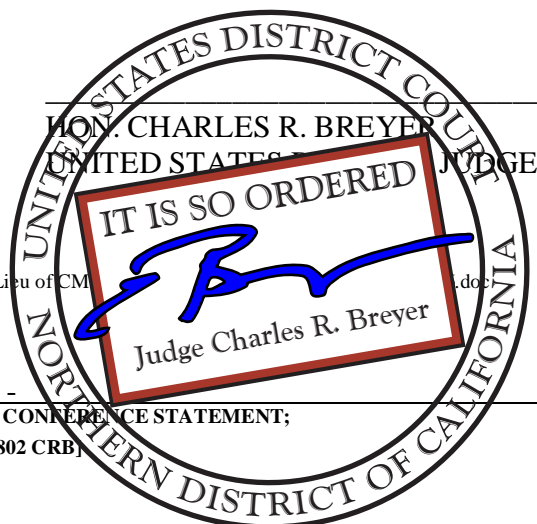
18 **CASE MANAGEMENT ORDER**

19 The Case Management Conference previously set for September 22, 2006, at 8:30 a.m., is
20 hereby:

21 [] Vacated.

22 ☒ Continued to Janaury 22, 2007, at the hour of 8:30 a.m., in
23 Courtroom 8, 19th Floor (San Francisco).

24 DATED: September 20, 2006



25 F:\CASES\30\32.204 YS Equipment Rental\PLEADINGS\Statement in Lieu of CM

PROOF OF SERVICE

CASE NAME: *John Bonilla, et al. v. Y'S Equipment Rental, Inc., et al.*
CASE NUMBER: *United States District Court, Northern District of California*
No. C-06-0802 CRB

I am a citizen of the United States and a resident of the State of California. I am over the age of 18 and not a party to the within action. My business address is 101 New Montgomery Street, Fifth Floor, San Francisco, California 94105.

On September 15, 2006, I served the following document(s) described as:

**PLAINTIFFS' STATEMENT IN LIEU OF CASE MANAGEMENT
CONFERENCE STATEMENT; [PROPOSED] CASE MANAGEMENT ORDER**

on the following party/parties:

Y'S Equipment Rental, Inc.
19456 Center Street
Castro Valley, CA 94546

Grant Fujimoto
19456 Center Street
Castro Valley, CA 94546

 X (BY MAIL) with postage thereon fully prepaid in the designated area for outgoing mail. I am readily familiar with STANTON, KAY & Watson's practice of collection and processing correspondence whereby mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited with the United States Postal Service after the close of each day's business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that this Declaration is executed on September 15, 2006 at San Francisco, California.

/s/ Carol M. Christensen
Carol M. Christensen